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EXAMINER				
CASTRO, ALFONSO				
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2423				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

Office Action Summary

Application No.

10/665,096

Applicant(s)

SIMYON ET AL.

Examiner

ALFONSO CASTRO

Art Unit

2423

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14, 16-53 and 67-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14, 16-53, 67-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 6/14/2010, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Andrew Y Koenig/

Supervisory Patent Examiner, Art Unit 2423

Response to Arguments

Applicant's arguments with respect to claims 8-14, 16-53, and 67-85 have been considered but are moot in view of the new ground(s) of rejection.

Status of Claims

2. Claims 8-14, 16-53 and 67-85 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8 and 10 are rejected under 35 U.S.C. 112, first paragraph. Claims 8 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Evidence that claims 8 and 10 fail(s) to describe in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention can be found in the specification filed 9/17/2003 page 10 ll. 1-10. In that paper, applicant has stated:

"Upon receipt of the control instruction request the control processor will remove the control instructions from that HTTP transmission, and build those control instructions into a control instruction command for execution by an uplink. The control instruction commands will thereafter be embedded in an email to be sent by the control processor via the Internet to any particular remote uplinks. The remote uplinks will thereafter remove the control instructions from the control instruction command, insert them into a digital video broadcast bitstream during encoding of that bitstream for broadcast and the control instructions will thereafter be transmitted by the uplink to the satellite in a manner as if the control processor and user were at the uplink itself. Finally, the receivers will receive the control instructions in the DVB bitstream and execute them"

and this statement indicates that the invention is different from what is defined in the claim(s) because the uplinks do not execute control instructions but "[t]he remote uplinks will thereafter remove the control instructions from the control instruction command, insert them into a digital video broadcast bitstream during encoding of that bitstream for broadcast and the control instructions will thereafter be transmitted by the uplink to the satellite in a manner as if the control processor and user were at the uplink itself". As defined in The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition 2000, and "executable" instruction is an instruction that is in the

instruction set for a given computer and can be executed in its current form. As such, the uplinks do not execute any commands per se where it was disclosed that "uplinks will thereafter remove the control instructions from the control instruction command, insert them into a digital video broadcast bitstream during encoding of that bitstream for broadcast and the control instructions will thereafter be transmitted by the uplink to the satellite".

4. Claim 40 is rejected under 35 U.S.C. 112, first paragraph. Claim 40 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "memory exit" in claim 40 is used in the claim without disclosing what the device is intended to be while the accepted meaning is unknown. The terms are indefinite because the specification does not clearly define the term.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-11, 14, 16, 31-33, 38, 45-47, 67-74, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell) in further view of Fish et al., PG Pub 2007/0239609 (hereafter Fish).

7. Regarding claim 8, Fell teaches "a control processor for satellite broadcast of media content data" (Fig. 1 label 40); comprising

"a control processor (fig. 1 label 40) being configured to build control instruction commands (page 2 para 34 ll. 3-6). Additionally Fell teaches scheduling a delivery time which reads on the claimed "control instructions command (para 47).

"said control instruction commands being executable by an uplink (page 2 para 34) for transmission of a digital video broadcast bitstream (page 2 para 39-30) including control instructions contained within said control instruction command" (page 4 para 55 and 58 instructions for uplink and downlink components);

"said control processor being in operative communication with a web server such that control instruction requests are received by said control processor after said requests are received by said web server in an HTTP transmission from a remote web browser" (page 2 para 26 and page 4 para 50 ll. 4-5).

Fell teaches "said control processor (fig. 1, label 40) being further configured to package control instructions from said control instruction requests (see fig. 4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Further,

Fell teaches "said control processor being configured to send a control instruction command in response to an order remotely entered from said remote web browser (para. 50, ll. 4-5 and fig. 4).

Whereas Fell teaches transmitting the package control instructions to the transmitter, Fell does not teach packaging instructions in an e-mail to at least one remote slave uplink. Fish teaches packaging instructions in an e-mail to at least one remote slave uplink (fig. 1,4, para. 60, ll. 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail to at least one remote slave uplink as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

Fish teaches "a communication link to a computer network, said communication link allowing said control instruction command to be emailed to remote uplinks" (Fig. 1 and Fig. 4 and page 4 para 60 and 62).

8. As to claim 9, Fell teaches the control processor of the previous claim wherein said communication link further allows confirmation message from said at least one remote slave uplink back to said control processor via email" (Abstract – confirmation notice that the data was actually delivered and sending confirmation to the controller 40 that data was delivered (para 41 and para 50).

9. Regarding claim 10, Fell teaches "a method of controlling a media content broadcast" (Fig. 1 label 40); comprising

Fell teaches "receiving a control instruction request at a central processor from a remote input" (page 2 para 26 and page 4 para 50 - customer terminal 80 coupled to controller 40 for receiving control orders using a screen-based interface using a transfer protocol); Fell teaches "through a computer network linked to both said central processor and said remote input" (page 2 para 26).

Fell teaches "generating a control instruction command" (page 2 para 34 ll. 3-6). Additionally Fell teaches scheduling a delivery time which reads on the claimed "control instructions command" (para 47).

Fell teaches "said control instruction command being configured to be executable by a slave uplink for transmission of the control instructions" (page 2 para 34): Fell teaches "to a plurality of remote receivers via satellite, said slave uplink being remote from said central processor" (page 2 para 34 and 55).

Fell teaches "sending said control instruction command to the slave uplink through said computer network" (see fig. 4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56)(see para 35 controller 40 coupled to transmitter via appropriate communications channels and para 26 disclosing communications channels are LAN, Internet connection and so on): Fell teaches "said slave uplink also being linked to said computer network" see para 35 controller 40 coupled to transmitter via appropriate communications channels and para 26 disclosing communications channels are LAN, Internet connection and so on): Fell teaches "said

sending step being executed in response to a command from said remote input" (page 2 para 26 and page 4 para 50).

Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Further, Fell teaches "said control processor being configured to send a control instruction command in response to an order remotely entered from said remote web browser (para. 50, ll. 4-5 and fig. 4).

Whereas Fell teaches transmitting control instructions to the transmitter, Fell does not disclose "wherein said slave uplink is remote from said central processor and wherein said remote slave uplink is not configured to receive control instruction requests and wherein said remote slave uplink only receives control instruction commands through said email from said remote central processor". Fish teaches transmitting instructions in an e-mail to at least one remote slave uplink (fig. 1,4, para. 60, ll. 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail to at least one remote slave uplink as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

10. Regarding claim 11, Fell discloses "wherein said computer network is the internet" (see para 35 controller 40 coupled to transmitter via appropriate communications channels and para 26 disclosing communications channels are LAN, Internet connection and so on)

11. As to claim 14, Fell discloses wherein said control instruction command includes scheduling. Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56).

12. As to claim 16, Fell teaches sending customer terminal 80 coupled to controller 40 for receiving control orders using a screen-based interface using a transfer protocol (page 2 para 26 and page 4 para 50). The examiner takes Official Notice that SMTP, HTTP, FTP, and TFTP are well known transfer protocols for delivering content.

13. As to claim 31, Fell and Fish disclose the processor of claim 8. Fell discloses that the controller 40 acts as a firewall but does not explicitly disclose a firewall for a webserver. The Examiner takes Official Notice that firewalls are typical components of for a webserver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and incorporate the firewall protection at a web server necessary in a network and still allow data flow.

14. As to claim 32, Fish discloses the system of claim 8 wherein said uplink further comprises an encoder and a multiplexer (para 246 and 262).

15. As to claim 33, Fish discloses the system of claim 8 wherein said uplink further comprises an audiovisual input device (Fig. 2 element 38 is an A/V is input via the uplink).

16. As to claim 38, Fell and Fish disclose the system of claim 8 and Fish further discloses wherein said uplink is a conventional uplink, said conventional uplink further comprising a separate control processor (control processor discussed in claim 8 is separate from the uplink Fig. 1).

17. As to claim 45, Fell and Fish disclose the processor of claim 8. Fish discloses a receipt confirmation instructions (Fig. 4 "acknowledgement type").

18. As to claim 46, Fell and Fish (as combined)disclose the processor of claim 8. Fish discloses wherein said control instruction command includes no-error confirmation instructions (see para 53 and para 54 need for identifying errors and acknowledgement of delivery).

19. As to claim 47, Fell and Fish (as combined) disclose the processor of claim 8. Fish discloses resend a control instruction command if a no-error confirmation is not received (Abstract – in the absence of receipt of confirmation of delivery, the delivery server re-sends content).

20. As to claim 67, Fell and Fish (as combined) disclose the processor of claim 8 and Fish discloses wherein said uplink is operative to transmit data over a broadcast network to a plurality of receivers (para 29 and Fig. 1).

21. As to claim 68, Fell and Fish (as combined) disclose the processor of claim 8. Fish discloses wherein said communication link is remote from said control processor (Fig. 1 and Fig. 2 and page 4 para 60 and 62 - plurality of uplinks are remote from controller 40).

22. As to claim 69, Fell and Fish (as combined) disclose the processor of claim 8. Fish discloses wherein said communication link is remote from said uplink (Fig. 1 and Fig. 2 and page 4 para 60 and 62 - plurality of uplinks are remote from controller 40 showing communication link separate from uplink facility).

23. As to claim 70, Fell and Fish (as combined) disclose the processor of claim 8. Fish discloses wherein said communication link is remote from any of a plurality of receivers receiving said control transmissions (Fig. 1 and Fig. 6 and page 4 para 60 and 62 - plurality of uplinks are remote from client receivers receiving transmissions).

24. As to claim 71, Fell and Fish (as combined) disclose the processor of claim 8. Fish discloses wherein said communication link is remote from said control processor, from said uplink and remote from any of a plurality of receivers receiving said control transmissions (Fig. 1-2, Fig. 4-6 and page 4 para 60 and 62 - plurality of uplinks are remote from controller 40; uplink remote from receivers/clients receiving control transmissions).

25. As to claim 72, Fell and Fish (as combined) disclose the processor of claim 8. Fell discloses having at least two uplinks (Fig. 1 shows multiple transmitters (therefore at least 2 uplinks)).

26. As to claim 73, Fell and Fish (as combined) disclose the processor of claim 8. Fell teaches wherein said control instruction request is received by said control

processor from said web server through said communication link (page 2 para 26 and page 4 para 50 ll. 4-5).

27. As to claim 74, Fell and Fish (as combined) disclose the control processor of claim 8 wherein said master control processor is configured to combine control instructions. Fell teaches "said control processor (fig. 1, label 40) being further configured to package control instructions from said control instruction requests (see fig. 4, labels "Data file to be picked up" and "destination": Fell teaches that the scheduling order is processed at the controller for transmission (see fig. 2, label 132, para. 56). Whereas Fell teaches transmitting the package control instructions to the transmitter, Fell does not teach packaging instructions in an e-mail. Fish further teaches control instructions stored in memory, said stored instructions being scheduled control instructions (para 61 destination instructions/address are stored in memory and can be scheduled for delivery). Fish teaches packaging instructions in an e-mail (fig. 1,4, para. 60, ll. 13-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell by packaging instructions in an e-mail combined with instructions stored in memory as taught by Fish in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

28. As to claim 77, it is analyzed similar to claim 74.

29. Claims 12-13, 17-26, 29, 35, 37, 39-44, 48-50, 52, 75-76, 78-79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251

(hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Compel Control User Manual and Brochure (hereafter CCUM).

30. Regarding claim 12, Fell and Fish do not disclose "wherein said sending step is in batch mode". CCUM discloses (sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell and Fish for packaging instructions in an e-mail to at least one remote slave uplink by further transmitting instructions in batch mode as taught by CCUM in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

31. As to claim 13, Fell and Fish do not disclose wherein said sending step is in session mode. CCUM discloses (sect. 6.2.4, "commands", a command sent will be done so in session mode unless it is gathered in a batch file (as in claim 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fell and Fish for packaging instructions in an e-mail to at least one remote slave uplink by further transmitting instructions in session mode as taught by CCUM in order to efficiently communicate among a plurality of uplinks by leveraging non-satellite networks.

32. As to claim 17, Fell and Fish do not disclose "a graphical user interface with said control processor". CCUM discloses (see Compel User Manual, sect. 1.3 "Compel Control User Interface). Therefore, it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify Fell and Fish for using a controller for transmitting instructions to an uplink by further using a GUI with said controller as taught by CCUM in order to allow the users of the controller to view and monitor the transmission process.

33. As to claim 18, CCUM discloses wherein said control processor operates on Unix (The Compel User Manual does teach the control processor operating on Unix (see Compel User Manual, sect. 2, "Accessing compel control" and all sect. 3 discussing Unix Overview).

34. As to claim 19, CCUM discloses wherein said link between said control processor and said computer network is an Ethernet/LAN link (see Compel User manual, sect. 1.4.4., "Optional hardware", the control system with an Ethernet hub has an Ethernet link between its processor and the network).

35. As to claim 20, Fish discloses wherein said control processor is associated with said web server via a socket server (page 5 para 63 – discussing software agent 83).

36. As to claim 21, CCUM discloses a status memory in operative communication with said control processor (See Compel User manual, sect. D.4 "Compel Monitor", there are status panels listed on screen, which have memory allocated to them within the monitor utility).

37. As to claim 22, CCUM discloses wherein said status memory records a receiver status and user status (See Compel User manual, sect. D.4 "Compel Monitor", the receiver (an uplink) status is available and a user (a scheduler) is available).

38. As to claim 23, CCUM discloses an update driver, said update driver being configured to update said status memory to record a current status (See Compel User manual, sect. D.4.8 "Update Status/Control panel" the update driver (dbupdate) gives the current status of the update process for display).

39. As to claim 24, CCUM discloses (see sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a group of files that are aggregated).

40. As to claim 25, CCUM discloses (see sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a group of files that are aggregated). CCUM does not disclose wherein said batch aggregator and said control processor are separate components. Fish discloses an aggregator, that aggregates data that is fed into the uplink, that is separate from a processor (para 262 element 44 aggregates data and is separate from other uplink elements and processors). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify CCUM by incorporating an aggregator, that aggregates data that is fed into the uplink, that is separate from a processor as disclosed by Fish in order to efficiently deliver information

and create more efficient use of satellite resources and reduces the overall amount of time needed for transmitting data through the satellite.

41. As to claim 26, CCUM discloses (see sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a specified group of files (i.e. volume).

42. As to claim 29, Fell, Fish, and CCUM disclose the processor of claim 8, Fish further discloses wherein said uplink further comprises a control stream inserter (see Fish, para 262 server, router and multiplexer are used for a control stream inserter in that it processes remote requests into the control stream of satellite communication link).

43. As to claim 35, Fish teaches scheduling transmission of data as disclosed in claim 8. Fish does not explicitly disclose schedule memory. CCUM discloses 6.7 Operation of Scheduler and displaying schedule files that are currently active. As such, schedule files are stored in order to display the schedules to the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fish by incorporating a system for storing schedule files in order to display the schedules that are currently active and allowing the user to modify the schedules.

44. As to claim 37, Fell, Fish, and CCUM disclose the system of claim 35 wherein said schedule memory is located at said control processor and in operative

communication with said control processor (see Compel User Manual, sect. App. A, "Schedule File", file created with control processor is a memory of schedule).

45. As to claim 39, Fell and Fish (as combined) disclose the system of claim 8 wherein said control instruction request includes a receiver address, a device address, a control parameter and a parameter data (see Compel User Manual, sect. App. A, "Schedule File", the standard Compel control system command protocol is: Address Device Command [Data], where Command is the control parm and data is the data parm).

46. As to claim 40, Fell and Fish disclose the processor of claim 8 further comprising default control instructions stored in a memory exit, said memory being operatively accessible by said control processor (see CCUM sect. 6.5 allows user to modify exiting commands to certain groups, as such, user commands are stored. Furthermore, Compel Web Access disclosing accessing compel controlled server via an remote location). The Examiner takes Official Notice that remote computers accessing remote servers can store content in memory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for storing user command instructions in order to allow the user to modify the stored instructions as disclosed by CCUM.

47. As to claim 41, Fell and Fish disclose the system of claim 8. CCUM discloses an activity log (see Compel User manual, sect. D.4.4. "Days to Keep Uplink Logs", the uplink activity is logged). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a log to store uplink activity in order to allow the user to monitor transmitted content as disclosed by CCUM.

48. As to claim 42, CCUM discloses the system of claim 41 wherein said activity log is searchable (see Compel User Manual, sect. D.4.4., "Days to Keep Uplink Logs" the log files, are searchable by name in a log file directory, and the file can be searched if done so in a text editor via the sniffer utility). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a log to store uplink activity as disclosed by CCUM in order to allow the user to monitor transmitted content.

49. As to claim 43, CCUM discloses the system of claim 8 wherein said control instruction request is encrypted (see Compel User Manual, sect. 6.2.6., "Encryption", the request is encrypted to a sender, if the requestor has been authorized). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a encrypted transmissions as disclosed by CCUM in order to security for transmitted content.

50. As to claim 44, Fell and Fish (as combined) disclose the system of claim 8 wherein said control instruction command is encrypted is disclosed by CCUM sect.

6.2.6., "Encryption", the command is encrypted to a receiver and App. C, where an email (command) is encrypted). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a encrypted transmissions as disclosed by CCUM in order to security for transmitted content.

51. As to claim 48, Fish and Fell (as combined) the processor of claim 8. CCUM discloses update a status memory if a no-error confirmation message is received from said uplink (see CCUM, sect. D.4.5 packet w/ count value, is retransmitted with count reset for updating transmission without the need to receive error message). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for providing a log of successful transmissions as disclosed by CCUM in order to security for transmitted content.

52. As to claim 49, Fell and Fish (as combined) disclose the system of claim 8. CCUM discloses wherein said control instruction request includes an instruction to schedule transmission of control instructions at a later selectable time (see Compel User Manual, D.3.3 "Directives", a scheduler directive coupled with a priority could schedule a later event occurrence). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system for implementing a scheduler as disclosed by CCUM in order to allow the customer greater control of timely transmissions using a flexible schedule.

53. As to claim 50, Fell and Fish (as combined) the system of claim 8. CCUM discloses wherein said control instruction command includes a control instruction packet (see Compel User Manual, sect. D.4 "Compel Monitor", within the uplink the command packet is built).

54. As to claim 52, it is analyzed similar to claim 50.

55. As to claim 75 Fell and Fish (as combined) disclose the control processor of claim 8. CCUM discloses being further configured to receive control instruction requests entered into a master control web server by a subscriber to the media content (CCUM Customer Web Access where customer is the subscriber). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell and Fish by incorporating a system with a customer web access as disclosed by CCUM in order to allow the customer web access control for a fee.

56. As to claim 76, Fell and Fish (as combined) disclose the control processor of claim 8 but are unclear on a history, however, CCUM discloses a history of instructions (6.6.10 – ability to store transmitted instructions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with that of CCUM in order save a list of instructions, possibly for analysis.

57. As to claim 78, it is analyzed similar to claim 75.

58. As to claim 79, it is analyzed similar to claim 76.

59. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), Compel Control User Manual and Brochure (hereafter CCUM), Goodman et al., US 4,720,873 (hereafter Goodman).

60. As to claim 36, Fell, Fish, CCUM disclose the system of claim 35 except wherein said schedule memory is located at said slave uplink. Goodman teaches uplink facility stores a schedule of data to be transmitted (col. 5 lines 63-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fell, Fish and CCUM by incorporating a system stores a schedule of data to be transmitted at the uplink facility as taught by Goodman in order to allow the uplink facility to track and provide the user with programming scheduled to be transmitted.

61. Claim 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Compel Control User Manual and Brochure (hereafter CCUM), in further view of Schweitzer et al. (US 2002/0013843 A1).

62. As to claim 27, Fell, Fish do not disclose "said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out. CCUM discloses (sect. App. C, "Create Email batch Command File", as noted in c-6) a command may be sent via email and in a batch file, as such, a batch is a group of files that are aggregated and further indicates the uplink packet transmit counts in D.3.1).

CCUM does not disclose wherein said batch aggregator is configured to complete a batch for transmission upon reaching a preconfigured time out. In an analogous art, Schweitzer teaches [0066] when a time out or time limit, which is inherently pre-configured, is reached on the batched data (from pipe ISMs) an event will occur (such as disablement or transmission in the instant app). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify CCUM by incorporating when a time out or time limit, which is inherently pre-configured, is reached on the batched data (from pipe ISMs) an event will occur (such as disablement or transmission in the instant app) disclosed by Schweitzer in order to efficiently deliver information and create more efficient use of satellite resources and reduces the overall amount of time needed for transmitting data through the satellite.

63. Claims 51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Compel Control User Manual and Brochure (hereafter CCUM), in further view of Pelkey et al. (US 4,985,895).

64. As to claim 51, Fell, Fish, and CCUM (as combined) disclose system of claim 50 but are unclear on details of the instruction packet wherein said control instruction packet includes a frame separator, a system identification, a length indicator, a sequence number, a remote address for an individual receiver, a class identifier, a device address, a command identifier, a command data value and a check sum. Pelkey does show the details (see Pelkey, fig. 3 and Fig. 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine

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the system of Fish, Fell, and CCUM with Pelkey in order to denote the fields that make up an instruction packet (see Pelkey, col. 4, ll. 40-65);

65. As to claim 53, it is similar to claim 51 and is therefore similarly analyzed (see above).

66. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Meyer et al., PG Pub 6289378 (hereafter Meyer).

67. As to claim 28, Fell and Fish do not disclose on communication with a server via a language selected from the group consisting of: Perl, TCL, C, C++, or Visual Basic; however, Meyer discloses a web browser remote computer management system and interfacing applications with information servers (i.e. web servers) using any language that allows it to be executed on the system such as C, C++, Java, Fortran, Perl, TCL, Visual Basic (col. 3 lines 61-67 to col. 4 lines 5-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with the system of Meyer in order to create an environment to communicate with a web server using a specific scripting language.

68. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of McKenna et al., PG Pub 2003/0005449 (hereafter McKenna).

69. As to claim 30, Fell and Fish disclose the processor of claim 8. Fell discloses that the controller 40 acts as a firewall but does not explicitly disclose a firewall at an uplink; however, McKenna discloses an uplink comprising a firewall (para 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the system of Fell with the system of McKenna to enable the firewall protection at an uplink necessary in a network and still allow data flow.

70. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell), Fish et al., PG Pub 2007/0239609 (hereafter Fish), in further view of Pecus et al., PG Pub 2007/0255829 (hereafter Pecus).

71. As to claim 34, Fell and Fish do not disclose wherein said audiovisual input device is a live feed. In an analogous art, Pecus discloses (para 58-59 and 61 real-time data is a live feed). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Fell and Fish with the system of Pecus to enable transmission of broader selection of programming.

72. Claims 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell) in further view of Fish et al., PG Pub 2007/0239609 (hereafter Fish) in further view of Hendricks US 6,160,989 (hereafter Hendricks).

73. Regarding claim 80 "said slave uplink excluding database storage and retrieval components" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions among the slave operation center components including uplink devices.

74. Regarding claim 81, "comprising said slave uplink excluding a control instruction generating component" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions among the slave operation center components including uplink devices.

75. Regarding claim 82, "said slave uplink being configured to provide content data that is exclusively a live feed" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the

control instructions; col. 19 lines 1-13—content data comprises live video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration as taught by Hendricks in order to allow the master uplink facility to handle more processing, transmitting and coordination of various functions, including live transmissions, among the slave operation center components including uplink devices.

76. Regarding claim 83, "comprising content data for transmission by said slave uplink being provide from outside said slave uplink" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (Fig. 1—uplink receiving content from outside in elements 204 and 202; col. 9 lines 49-67—master operations center associated with uplink handles additional processing and transmitting of data than slave uplinks implicitly teaches the master and not the slave executes the generation of the control instructions; col. 19 lines 1-13—content data comprises live video). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration and allow the uplink facilities to receive content from the outside as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

77. Regarding claim 84, "said slave uplink being in operative communication with a LAN, said LAN providing content data uploadable to said slave uplink for transmission according to said control instruction command" Fell and Fish do not specifically reference this limitation. In an analogous art, Hendricks teaches (Fig. 1, 3—uplink receiving content from outside in elements 204 and 202 in a network arrangement; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a LAN, official notice is taken that uplinks arranged in a LAN are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration in a LAN and allow the uplink facilities to communicate content as taught by Hendricks because the combination of references results in a process that is more desirable and more efficient.

78. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fell et al., PG Pub 2004/0092251 (hereafter Fell) in further view of Fish et al., PG Pub 2007/0239609 (hereafter Fish) Hendricks US 6,160,989 (hereafter Hendricks), in further view of Beuque PG Pub 2005/0041955 (hereafter Beuque).

79. Regarding claim 85, "said slave uplink comprising a decryptor, a validator and a control stream inserter that inserts control instructions for transmission in an outgoing datastream for broadcast" Fell and Fish do not specifically reference this limitation. In

an analogous art, Hendricks teaches (Abstract;; col. 9 lines 49-67—master operations center associated with master uplink and transmits data to slave uplinks). While Hendricks does not specifically reference a validator and a control stream inserter, Beuque teaches (Abstract; page 2 [0027-0030]—describing authentication and encapsulation in a transport stream corresponds to validating and control stream inserter). While Beuque does not specifically reference slave uplink comprising a decryptor, official notice is taken that slave devices capable of receiving encrypted data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a method for transmitting data using an uplink facility by incorporating a master and slave uplink configuration to allow the uplink facilities to communicate content as taught by Hendricks and incorporate components in transmission devices which allow the device to decrypt, validate or authenticate and control stream components as taught by Beuque and the prior art because the combination of references results in a process that is more desirable and more efficient.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Settle PG Pub 2005/0037706 – pertinent to efficient use of multiple uplinks and satellite resources and reduces the overall amount of time needed for transmitting data through satellite.
- Bonomi et al., US 6,769,127 – pertinent to system comprising a network browser for allowing communication via a network for controlling the program scheduling, system configuration for a media delivery system as well as monitoring.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALFONSO CASTRO whose telephone number is (571)270-3950. The examiner can normally be reached on Monday thru Friday (8am to 5pm EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2423

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Supervisory Patent Examiner, Art Unit 2423